

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BASF AGRO B.V., ARNHEM (NL),
WÄDENSWIL BRANCH, BAYER S.A.S.,
and Merial Limited,

Plaintiffs,

v.

CHEMINOVA, INC.,

Defendant.

Civ. Action No. 10-CV-274

**MOTION TO FILE DOCUMENTS
UNDER SEAL**

Defendant Cheminova, Inc. (hereinafter "Cheminova") hereby moves the Court to file under seal Cheminova, Inc.'s Letter to the Court, dated June 10, 2011, and all exhibits thereto.

In support of this Motion, Cheminova states as follows:

The parties to this case entered into a Stipulated Protective Order ("the Protective Order") entered by the Court on August 27, 2010. (Docket No. 40.) Paragraph II.B.1 of the Protective Order defines "confidential information" as non-public information that involves the personal or privacy interests of individuals under the laws where such individuals reside. Paragraph II.B.2 of the Protective Order defines "highly confidential information" as confidential information whose disclosure would be likely to cause harm to the competitive position of the producing party. Paragraphs VIII.2 and VIII.3 of the

Protective Order states that a party may file documents under seal with the Court if it is necessary to submit confidential or highly confidential material.

Cheminova's June 10 letter includes references to interrogatory responses and deposition testimony that have been designated by Plaintiffs as "highly confidential information" under the protective order. Accordingly, Cheminova hereby moves the Court under paragraphs VIII.2 and VIII.3 of the Protective Order to seal Cheminova, Inc.'s June 10, 2011, Letter to the Court, along with all exhibits thereto.

WHEREFORE, Defendants move this Court to file and retain under seal Cheminova, Inc.'s June 10, 2011, Letter to the Court, along with all exhibits thereto.

Respectfully submitted this 10th day of June, 2011.

Respectfully submitted,

By: /s/Alan M. Ruley
William K. Davis
Alan M. Ruley
BELL, DAVIS & PITT, P.A.
100 N. Cherry Street, Suite 600
Winston-Salem, NC 27101
wdavis@belldavispitt.com
aruley@belldavispitt.com
Phone No. (336) 722-3700
Fax No. (336) 722-8153

/s/ Joshua C. Krumholz
Joshua C. Krumholz
Christopher G. Kelly
Steven L. D'Alessandro
Robert J. Burns
HOLLAND & KNIGHT LLP
31 West 52nd Street
New York, NY 10019
joshua.krumholz@hklaw.com
christopher.kelly@hklaw.com
steven.dalessandro@hklaw.com
robert.burns@hklaw.com
Phone No. (212) 513-3200
Fax No. (212) 385-9010

*Attorneys for Defendant and Counter-Plaintiff
Cheminova, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of June, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Catherine Nyarady	cnyarady@paulweiss.com
Craig Benson	cbenson@paulweiss.com
Jayson L. Cohen	jlcohen@paulweiss.com
John E. Nathan	jnathan@paulweiss.com
Kenneth A. Gallo	kgallo@paulweiss.com
Kent E. Kemeny	kkemeny@paulweiss.com
Kripa Raman	kraman@paulweiss.com
Pressly McCauley Millen	pmillen@wcsr.com
Robert J. Koch	rkoch@milbank.com
Jitendra Malik	jmalik@alstonbird.com
Frank G. Smith	Frank.smith@alston.com
Judy C. Jarecki-Black	judy.jarecki@merial.com
John Patrick Elsevier	jpelsevier@jonesday.com
Matthew W. Howell	Matthew.howell@alston.com

/s/ Robert J. Burns